

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated September 27, 2007 (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Although Applicant does not acquiesce to the assertion that the instant application is anticipated by, or that the limitations of the instant claims are contained in, copending application serial no. 10/665,869 (now U.S. Patent No. 7,292,230), the attached Terminal Disclaimer Under 37 C.F.R. § 1.321(c) is submitted to address the double patenting rejection. This submission is believed to overcome the double patenting rejection; therefore, Applicant requests that the double patenting rejection be withdrawn.

With respect to the 35 U.S.C. § 112, first paragraph, rejection, Applicant respectfully traverses. The rejection is based on the assertion that the Specification does not describe the use of a predetermined parameter such that a skilled artisan would be able to make and use the claimed invention. First, it is noted that the subject matter of a claim need not be described literally in the Specification (*i.e.*, using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. MPEP § 2163.01. Therefore the absence of the term “predetermined parameter” in the disclosure is not an appropriate basis for the rejection. Second, paragraphs [0016] and [0017] discuss user-specific inter-object internal orders, and paragraph [0018] further indicates that the detected object selection order does not necessarily have to be exactly the same as (can differ from) the determined user-specific inter-object internal order in order for a lock state to be activated or deactivated. Paragraph [0018] further indicates that a database having a large number of objects may have a larger deviation in the selection order specified (predetermined) for deactivating a device lock. Thus, an example predetermined parameter is a specified deviation in a selection order that is sufficient for deactivating a device lock. Specific examples of a sufficient and insufficient deviation are also provided in paragraph [0037]. Since the original disclosure in the Specification reasonably conveys to a skilled artisan that Applicant had possession of the claimed subject matter, *e.g.* use of a predetermined

parameter, the disclosure satisfies the written description requirement of § 112, first paragraph, and the rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Applicant also maintains the traversal of the § 102(b) rejection based upon the teachings of U.S. Patent No. 6,209,104 to Jalili (hereinafter “Jalili”) because Jalili does not teach or suggest each of the claimed limitations. For example, Jalili does not teach changing a lock state when a detected object selection order differs from a determined user-specific inter-object internal order. In contrast, Jalili requires that the displayed icons be selected in the exact order that matches the disguised password (*e.g.*, column 8, lines 41-53). Since Jalili is directed to masking the entrance of a defined password, Jalili requires that the exact password be entered and does not allow access if the entered information does not match. Thus, Jalili does not correspond to the limitations directed to changing a lock state when a detected selection order differs from the determined user-specific inter-object internal order. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper.

In order to anticipate a claim the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Jalili does not teach every element of independent Claims 1 and 11 in the requisite detail and therefore fails to anticipate at least Claims 1-22. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-10 and 12-22 depend from independent Claims 1 and 11, respectively, and also stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated

by Jalili. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with independent Claims 1 and 11. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2-10 and 12-22 is improper and should not be maintained.

With particular respect to the rejection of Claims 7 and 18, Applicant further traverses because Jalili has not been shown to teach the claimed limitations. Specifically, none of the cited portions teach or suggest that a lock state would be entered when a predetermined number of incorrect selection orders are detected. Notably, there is no mention of the term “lock” in the Jalili reference. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of Claim 22, Applicant further traverses because Jalili has not been shown to teach the claimed limitations. Specifically, no portion of Jalili has been identified that teaches an arrangement for controlling a locking function in a door or gate. Notably, there is no mention of the terms “lock”, “door”, or “gate” in the Jalili reference. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of Claims 6 and 17, Applicant further traverses because Jalili has not been shown to teach the claimed limitations. Specifically, no portion of Jalili has been identified that teaches using learning algorithms or intelligent networks to change a determined user-specific inter-object internal order. In contrast, Jalili teaches the use of a known password or PIN. There is no discussion that such password or PIN would be changed using learning algorithms or intelligent networks. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

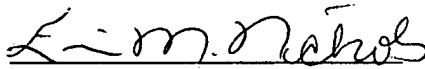
New Claims 23-25 have also been added. Support for these claims may be found in the instant Specification, for example, at paragraphs [0024] and [0025]; therefore, these claims do not introduce new matter. Each of these claims is believed to be patentable over the asserted reference for at least the reasons set forth above in connection with the independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.014.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

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By: 

Erin M. Nichols
Reg. No. 57,125